

COMMISSIONERS APPROVAL

GRANDSTAFF 

ROKOSCH

THOMPSON 

CHILCOTT 

DRISCOLL 

PLETTENBERG (Clerk & Recorder)

Date.....February 19, 2008

Members Present.....Commissioner Carlotta Grandstaff,
Commissioner Jim Rokosch, Commissioner Alan Thompson, Commissioner Greg
Chilcott and Commissioner Kathleen Driscoll

Minutes: Beth Perkins

► The Board met with Montana Department of Transportation (MDOT) regarding the Highway Amenities Agreement North of Woodside and the Encroachment Agreement. Present were Shane Stack from MDOT, Road & Bridge Supervisor David Ohnstad, Jim Webb and Anita Drewien from Victor Park District.

Shane gave an overview of the agreements. He stated MDOT had been given the ok to focus on the amenities along the highway through North of Woodside. MDOT will build them but not maintain them. They are looking at the Victor Park District to do the maintenance.

Commissioner Thompson stated the agreement was drafted by MDOT and the communities. MDOT would set aside a certain amount of money to enable Victor Park District to provide the maintenance. He discussed communities not being able to provide the maintenance with the responsibility falling back on the County. Commissioner Grandstaff asked about a back up plan if the responsibility should fall back on the County. Commissioner Thompson replied some of the plans are pretty elaborate. The responsibility would be the same for Stevensville and Florence as well as Victor. Commissioner Grandstaff requested any other questions.

Commissioner Chilcott asked about the details of the plan. Shane replied the amenities planned through Lolo fell into the cracks and never happened. Commissioner Chilcott asked if it included water for plants and shrubs, replacement of dead shrubs and cutting the grass in the medians. Shane replied they could discuss the details of the landscaping portion of the agreement. Florence has been excellent with the irrigation portion.

Commissioner Rokosch stated the most problematic areas seem to be the medians. He suggested using native plants. Anita stated the Park District picked evergreen plants needing very little water due to the drought. She stated they have tried to keep all of the plants and trees drought tolerant. Main Street will be tied into the Highway in Victor for landscaping so it is appealing to the eye and has conformity.

Jim Webb stated he has some problems with the landscaping portion of the agreement. He stated it is high maintenance and with the funds being gathered each year, they can't do all that is requested. He is concerned about getting out there and cleaning it up with traffic control. It is a major concern and liability. They do not have the money to do this financially.

Jack Barber questioned traffic control. He asked if this is standard language of an agreement. It is a risk of liability. Shane asked if the County could help out with traffic control. David stated the Road Department will work under direction of the County Commissioners. Shane stated the reason why they added the language is community focus groups requested traffic control during maintenance. MDOT does not have the time to implement traffic control during peak traffic season. The traffic control does not have to be an elaborate set up. Anita asked if Shane is talking about signage that work is occurring. Shane replied yes that is exactly what he is talking about. MDOT will work with Victor Park District to develop a plan for maintenance.

Jack stated even though the assistance is there, he does not feel comfortable signing a contract. Commissioner Chilcott asked David about a training course for setting up a work zone and signage. David replied it is a traffic controller/flagger training session. Anita stated they would not be doing it community wide. They would have to hire an outside person. Commissioner Grandstaff asked when the agreement talks about the maintenance it is intended for an outside source. Anita replied yes. Commissioner Chilcott stated it is a case of champagne tastes on a beer budget. He understands Jack's statement and would also like to see a detailed budget. Commissioner Driscoll stated she would like to make this simple. She understands the interaction with the Victor public needs to be taken into consideration. Commissioner Grandstaff asked if the Victor Park District realized the cost and need for maintenance. Anita replied she believes the Victor Park District could come up with the money for the maintenance.

Jessie Cable stated at this point in time with the way things are, she is not comfortable signing the contract today without a plan for a budget. She discussed approaching businesses to sponsor a mile for the median. She stated nothing is definite and she would like the funding issues addressed prior to signing the contracting.

Jack stated currently the Victor Park District cannot fund the maintenance. They need time to find the funding. Commissioner Driscoll stated she believes the businesses would be willing to help since it would encourage consumers to stop and buy.

Commissioner Grandstaff asked the Victor Park District how long would they need. Jack replied about 4 to 6 months. Commissioner Grandstaff stated that is too long. Shane

stated he will try to crunch the time requested down. He would be willing to look into the traffic control problem.

Commissioner Rokosch asked when the work is targeted. Shane replied it is in the book for 2012. There is the possibility of grab bag money being available for early scheduling. He explained how the grab bag money is utilized. Commissioner Rokosch stated it seems like there is a little bit of time for completion. They have an outstanding budget concern that needs to be addressed and be grounded. He suggested contacting Civil Counsel for the liability issues. Commissioner Driscoll stated the grab bag money available could be a possibility if they have their act together.

Commissioner Grandstaff stated there is another agreement on the agenda which is the Encroachment Agreement. Shane stated moving utility poles is a part of it.

Commissioner Grandstaff stated the County will handle the traffic control portion of the problem and let the Victor Park District to handle the budget portion of the agreement. Shane stated the agreement allows some of the county roads from north side to Victor to be built up as county roads and encroachments. What they are asking for is the power and ability to move the encroachments. David stated the Road & Bridge Department is in favor of MDOT doing this work.

Commissioner Rokosch asked last time this was discussed, if there was some concern with Victor Crossing. David replied it was to be followed up with a local group. It has nothing to do with the Encroachment Agreement. Anita stated there was discussion about Railroad Avenue versus Clark Street. Dave Meadows stated there was an issue with developing Railroad Avenue. Jack stated the discussion was developing Clark Street to Victor Crossing. David Ohnstad stated the potential encroachment would reclaim the public easement.

Commissioner Chilcott made a motion to execute the Encroachment Agreement as presented. Commissioner Driscoll seconded the motion. All voted 'aye'.

Commissioner Rokosch made a motion to sign the Highway Amenities Agreement for Stevensville. Commissioner Driscoll seconded the motion. All voted 'aye'.

► The Board met for a public hearing for CDBG funding availability and community development needs and priorities of Ravalli County for Economic Development, Housing and Community Revitalization. Present were Julie Foster and Charlie Wright, Regional Development Officer of the Montana Department of Commerce.

Charlie gave a power point presentation stating the FY 2008 states CDBG allocation \$6,743,772, less CDBG funds for state program administration; \$302,313. The amount available for award to local governments is \$6,441,459. Charlie stated the Board may contact Gus Byron for more information.

Charlie stated the State Allocation for the CBDG-ED grant is \$2,147,153 and local government starts at \$100,000 to \$400,000. This could be city or county or both. Joint applications have to have prior approval of MT DOC \$800,000. Technical assistance grants are allocated \$210,000 with the applicant do asking for more than \$25,000. It also has to be matched.

Charlie discussed the application deadlines. He stated there is an open cycle being April 1st. Applicants can apply for more but not exceeding \$400,000. One of the purposes of the program is loans to “for-profit” businesses (land, building, equipment and working capital). Commissioner Chilcott asked how long it takes to process the application. Charlie replied he recommends the applications be submitted prior to the opening date of April 1st. They are reviewed on a first come, first serve basis. Another purpose is grants for Employee Training. It provides up to \$5,000 per employee, \$7,500 per disabled employee, \$15.48 per hour in salary and benefits upon completion of training.

Charlie stated there are also grants for business infrastructure projects. The features and requirements are \$25,000 in CDBG-ED funding per job created and/or retained, 51% LMI regions (city and/or county), hiring and training plan, and the gap financing (1:1 match).

Commissioner Driscoll asked if Charlie is using the 51% on the \$400,000 for city and county. Charlie replied yes. He discussed the recent employee training grant to Direct TV for an example.

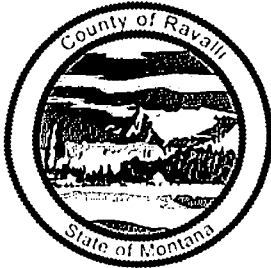
Commissioner Grandstaff asked Julie Foster about a list of projects the EDA is working on. Julie replied there is another public hearing that will address the projects. They are going to attempt to obtain a Planning grant. Commissioner Rokosch asked about the city /county combination and the need for prior approval for the need of infrastructure. Julie replied the lift station would be within the city. When doing the application, she will ask the County to pay for it. Charlie discussed the need for net new permanent employees that need to be met within low to moderate income.

Commissioner Grandstaff opened public comment, hearing none, closed public comment.

Meeting adjourned.

► The Board met for discussion and possible decision on External Subdivision Review Contracts for WGM Group, Inc. and WWC Engineering. Present were Planning Director Karen Hughes, Planner Renee Lemon, and Chip Pigman.

Commissioner Grandstaff requested the Planning Staff Report. Renee read the report as follows:



ACTION

REQUEST FOR COMMISSION

OG-08-02-129

Meeting: February 19, 2008 @ 11:00 a.m.
Subject: Contracts for Subdivision Review

I. ACTION REQUESTED

This is a request from the Planning Department to accept and sign the following contracts for subdivision review:

1. Agreement for Consulting Services between Ravalli County and WGM Group, Inc. (Draft attached.)
2. Agreement for Consulting Services between Ravalli County and WWC Engineering. (Draft attached.)

II. BACKGROUND

Ravalli County issued a Request for Proposals (RFP) for consultant services to review subdivisions on June 5, 2007. The RFP requested proposals from those seeking to be included in a pool of consultants qualified to review subdivisions and those also interested in reviewing three specific subdivisions (Hawks Landing, Flatiron, and Legacy Ranch). The Board of County Commissioners (BCC) chose WGM Group, Inc. and WWC Engineering to be included in the pool of consultants qualified to review subdivisions. The BCC specifically chose WGM to review the Hawks Landing Major Subdivision, and WWC to review the Flatiron Major Subdivision and Legacy Ranch Major Subdivision.

Last fall, I emailed the Planning Department's recommended approach to developing the contracts for the review of Hawks Landing, Flatiron, and Legacy Ranch to the BCC. Everyone seemed to agree that the best approach was to have WGM and WWC review the subdivisions independent of the Planning Department. The role of the Planning Department would be to provide the administrative materials that are used in subdivision review (letter templates, checklists, examples of staff reports, etc.), to answer questions, to keep a copy of the subdivision file, and to comment on the final recommendations of the consultants. The draft contracts that are attached reflect this approach.

Due to litigation, the creation of the contracts was delayed until now. The Planning Department is completing a second round of element review this week for Hawks Landing, FlatIron, and Legacy Ranch. After the applications are deemed elementally complete, sufficiency review will begin. I anticipate that this will happen quickly so it is important that these contracts are put in place as soon as possible.

WGM Group, Inc. will be attending the meeting to answer questions. WWC Engineering will be available by phone.

III. PLANNING STAFF'S RECOMMENDED MOTION

That the Agreement for Consulting Services between Ravalli County and WGM Group, Inc. and the Agreement for Consulting Services between Ravalli County and WWC Engineering be signed and accepted.

REMAINING ISSUES:	Any questions that the BCC may have.
FISCAL IMPACT:	WGM Group, Inc. Contract – estimated \$25,587.50 for Hawks Landing WWC Engineering Contract – estimated \$29,232.00 for FlatIron and estimated \$29,928.00 for Legacy Ranch <i>(Staff Note: Per the settlement agreement, the consultant fees will first be paid from the application fees already collected from the applicant. Consultant fees beyond that will be collected from the applicants.)</i>
ATTACHMENTS:	Draft Agreement for Consulting Services between Ravalli County and WGM Group, Inc. Draft Agreement for Consulting Services between Ravalli County and WWC Engineering
STAFF:	Renee Lemon
DATE:	February 14, 2008
CC:	Alex Beal WGM Group, Inc. WWC Engineering

Commissioner Rokosch stated he has a number of questions regarding the contract language for these agreements. Board discussion followed regarding the scheduled meeting for tomorrow and how it involves today's agenda.

Renee gave the background regarding RFP for consultant services to review three specific subdivisions. She stated Hawks Landing and Legacy Ranch were deemed elementally complete to continue and they have 30 days to be sufficiently reviewed.

Commissioner Rokosch stated the Board does need to stay within the statutory timeframe. He discussed establishing the findings of fact with creditable evidence.

Commissioner Driscoll asked about the timeframe. Renee replied 30 working days. Commissioner Driscoll asked are we forced to move forward without looking at the extra concerns of the Board. Karen replied it depends on where the Board is getting in the additional information. She stated she does not know what had transpired last week. Commissioner Chilcott stated there are certain regulations. Do the questions fall within the current regulations? Commissioner Rokosch replied that seems to be the question. The Board is waiting for a reply from the County Attorney. Commissioner Chilcott stated they have 30 days and he is under the assumption the County Attorney's Office has reviewed the contracts presented. He has reviewed the questions and his concern is it could take months for the answers.

Commissioner Driscoll stated the way Ravalli County does business here and how other counties do business are different. The question is can the Board, ask these questions and still be within the time limit.

Commissioner Grandstaff stated Commissioner Chilcott and Commissioner Thompson are in favor of approving the contracts today and then amend them to include the questions at a later date. Commissioner Rokosch stated he believes they should wait upon the sufficiency review and information provided in particular to analysis to other information provided. Commissioner Chilcott stated they have regulations. He does not know how the questions can be implemented with the clock running and a limited time frame.

Commissioner Rokosch asked with the clock ticking, can the Planning Department review each element in detail and is it a scenario at that point for the comprehensive. Karen replied the goal is for local government to take all the information received. You can ask for more if they are insufficient. The goal is to do a full scale sufficiency review. Commissioner Driscoll asked about the transportation issues for the review. She asked if the Board could request a traffic study for it to be sufficiently mitigated and do they have to stick with what they have. Renee replied it is a legal question. In her opinion, you can ask questions directed towards the six criteria.

Commissioner Grandstaff stated the question is how to implement the questions into these contracts. Commissioner Thompson stated they are dealing with timelines and an RFP that was placed before these firms and agreed upon. It is his opinion to issue a new RFP. Commissioner Rokosch replied a new RFP is not necessary. It is the Board's responsibility to investigate every detail before making a decision. Commissioner Thompson stated Commissioner Rokosch is asking legal questions and there is not one person in this room who can answer those. Commissioner Rokosch replied the questions are currently being reviewed by legal counsel.

Commissioner Rokosch asked how the fees are collected. Karen replied as the balances build up and they have to pay it, then they invoice the developers. Commissioner Chilcott stated the bottom line is they are what they are and the reviews stand beside those. Karen replied it is \$70,000 total collected from these three subdivisions.

Commissioner Thompson stated he is not in favor of waiting for legal answers to questions that may or may not be implemented into these contracts. He stated it creates undo hardship to the Planning Department with an already time restrained schedule.

Chip Pigman stated the sufficiency review is 11 pages long. He asked if the intention of the Board is to add to this list. He has waited two years and it has already gone through the sufficiency review. Commissioner Grandstaff replied no, not to add but how those questions are interpreted.

Commissioner Chilcott stated he does not see why the Board cannot approve the contracts today to move forward and then amend the contract when the questions have a legal opinion. Karen asked about Tasks 3, 5, and 6 general statements covering the questions.

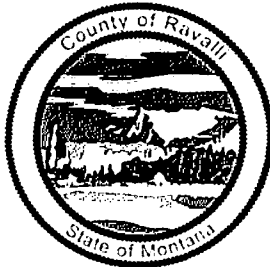
Commissioner Rokosch stated the sufficiency review is the time to set the stage for the Board to decide what mitigation levels are appropriate and necessary. He would like to see it detailed a bit more. He would like to see a list of the types of information the Board can be expecting for the review process. Renee replied it is ok to ask general questions not specific questions about subdivisions. She suggested funneling the questions through the County Attorney's Office and having a more formal process. Commissioner Chilcott stated this is part of the Board's quasi-judicial role and in his opinion it is illegal to discuss the subdivision prior to the review. He believes the Board should be cautious in discussing subdivisions prior to having an application in front of them. Commissioner Grandstaff disagrees. The contracts specifically list three subdivisions and she believes if they are specifically listed, then the Board can discuss them. Commissioner Chilcott stated he has sat through numerous court cases. Material cannot be presented prior to the trial. It is presented at the time of the trial. Commissioner Driscoll stated she also disagrees. The Board should have the right to ask any questions in regard to making the best decision. Board discussion followed regarding the ambiguity of the law that leaves open a lot of room for interpretation.

Commissioner Rokosch made a motion to continue this meeting to Wednesday at 4:30 p.m. Commissioner Driscoll seconded the motion. Commissioner Grandstaff, Commissioner Rokosch and Commissioner Driscoll voted 'aye'. Commissioner Thompson and Commissioner Chilcott voted 'nay'. Motion carried.

Minutes: Glenda Wiles

► Commissioner Driscoll left to attend a Missoula Transportation Planning Coordinating Committee meeting for the remainder of the day.

► The Board met for approval of adding an additional \$1,200 to GEUM Consulting Contract for Land Suitability. Planner Renee Lemon presented a Request for Commission Action as follows:



ACTION

REQUEST FOR COMMISSION

OG-08-02-104

Meeting: February 19 @ 2:00 p.m.
Subject: Geum Contract for GIS Land Suitability Analysis

IV. ACTION REQUESTED

This is a request from the Planning Department to accept and sign the Revised Agreement for GIS Services between Ravalli County and Geum Environmental Consulting, Inc. (See attached)

V. BACKGROUND

The original agreement with Geum was for the completion of three tasks, which included developing criteria for the water resources, wildlife resources, working lands, and open lands submodels; getting input from local scientists and experts; and finalizing the criteria for the four submodels based on the input from experts. Geum spent extra hours on additional tasks that included a presentation at the January 26th workshop, the updating of four submodels with the new release of NRCS soils data, and the packaging of datasets for submission to the County. Due to Geum's exceptional work on the Land Suitability Analysis, the Planning Department would like to reimburse Geum for the additional hours. Tasks 4, 5, and 6 were added to the contract for a total of 16 additional hours at a cost of \$1,200 (\$75/hour).

VI. PLANNING STAFF'S RECOMMENDED MOTION

That the revised Agreement for GIS Services between Ravalli County and Geum Environmental Consulting, Inc. be approved.

REMAINING ISSUES:	None.
FISCAL IMPACT:	Geum Environmental Consulting, Inc. Contract – An additional \$1,200
ATTACHMENTS:	Draft Agreement for GIS Services between Ravalli County and Geum Environmental Consulting, Inc.
STAFF:	Renee Lemon
DATE:	February 7, 2008

Commissioner Chilcott made a motion to have the Chair execute this contract for services with GEUM Consulting. Commissioner Rokosch seconded the motion and all voted “aye”.

► Glenda brought forth her concern of a recent request from Johnson Controls for an asbestos report at the Courthouse and Administrative Building so they can move forward on their Energy Report Contract. Glenda stated Maintenance Supervisor Brian Jameson asked Glenda if there were any existing reports on the buildings because they had asked him to bring this information to them. Glenda stated there are two existing reports that were done on the Courthouse during the Phase 1 and Phase 2 renovation (three or four years ago) but not on the complete building. The Commissioners indicated this request should have been made through their office and to have the Project Director of Johnson Controls visit with them on this request as it could be a costly endeavor.

► Due to the inability of Northwoods Tree Service to provide the proper insurance requirements while removing a tree, Glenda received three bids for the removal of Tree #15 on Fairgrounds Road as follows:

1. A-1 Tree Service: Removal of tree, clean up of tree and debris, grind stump at \$3,000
2. Bitterroot Tree Service: Removal of tree, clean up of tree and debris, grind stump at \$2,343.00
3. Asplundh Tree Co: Removal of tree, clean up of tree and debris, grind stump at \$2,400.00

Commissioner Chilcott made a motion to award the bid to Bitter Root Tree Service for removal by Friday Feb 22nd with the proper insurance and Certificate of Exemption or the Commissioners will move to the second lowest bid by Asplundh. Commissioner Thompson seconded the motion and all voted “aye”.

► The Board reviewed Resolution No. 2260 which allows for the sale of numerous old county computers because these computers are no longer necessary for conducting business. **Commissioner Thompson made a motion to adopt Resolution No. 2260. Commissioner Chilcott seconded the motion and all voted “aye”.**

► The Board reviewed Resolution No. 2261 which allows for the disposal of the AIS Election Machine, Model 4600X because the machine is no longer necessary for conducting business and there is no market to sell the machine. **Commissioner Thompson made a motion to adopt Resolution No. 2261 and Commissioner Chilcott seconded the motion and all voted “aye.”**

► The Board reviewed the Supplemental Conditions to the Standard Engineering Contract for TSEP. Road Supervisor David Ohnstad was present for this discussion. This is supplemental agreement for an existing contract that creates an engineering report

that accompanies the inventory for bridge replacement to be considered for grant monies. **Commissioner Chilcott made a motion to approve of the supplemental conditions to the Standard Engineering Contract for TSEP (Treasure State Endowment Project). Commissioner Thompson seconded the motion and all voted “aye”.**

► **The Board reviewed the request for final approval on Mountain View Orchards Block 8, Trail 22-A. Commissioner Chilcott made a motion to grant final approval to this subdivision as recommended by Planning. Commissioner Rokosch seconded the motion and all voted “aye”.**

► **The Board reviewed the Ravalli County Deputy and Dispatch Contract for Collective Bargaining. Administrative Director Skip Rosenthal was present for this discussion explaining the bargaining unit agreements for the Deputies and Dispatchers. Commissioner Chilcott made a motion to ratify the two-year Collective Bargaining Agreement with the Deputies. Commissioner Rokosch seconded the motion and all voted “aye”. Commissioner Chilcott made a motion to ratify the two-year Collective Bargaining Agreement with the Dispatchers. Commissioner Thompson seconded the motion and all voted “aye”.**